



INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Belarus – Early Parliamentary Elections, 17 November 2019

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

The 17 November early parliamentary elections proceeded calmly but did not meet important international standards for democratic elections. There was an overall disregard for fundamental freedoms of assembly, association and expression. A high number of candidates stood for election, but an overly restrictive registration process inhibited the participation of opposition. A limited amount of campaigning took place, within a restrictive environment that, overall, did not provide for a meaningful or competitive political contest. Media coverage of the campaign did not enable voters to receive sufficient information about contestants. The election administration was dominated by the executive authority, limiting its impartiality and independence, and the integrity of the election process was not adequately safeguarded. Significant procedural shortcomings during the counting of votes raised concerns about whether results were counted and reported honestly, and an overall lack of transparency reduced the opportunity for meaningful observation.

The 110 members of the House of Representatives are elected for four-year terms across majoritarian districts. The elections were called by the president on 5 August, effectively dissolving the outgoing parliament approximately one year before the expiration of its mandate, without reference to any of the constitutional grounds for dissolution, contrary to OSCE commitments. The authorities maintained that the elections were not considered early under national law and were scheduled within the competency of the president.

Overall, the legal framework does not adequately guarantee the conduct of elections in line with OSCE commitments and other international standards and obligations, underlying the need for a comprehensive and inclusive reform. Limited efforts to revise the electoral legislation following the previous elections were not realized. A number of key ODIHR and the Council of Europe's Venice Commission recommendations remain unaddressed, including on unbalanced composition of election commissions, restrictions on voter and candidacy rights, insufficient safeguards for voting and counting, and limitations on observer rights. The legal framework contains various restrictions on the exercise of fundamental freedoms, such as obstacles to political party registration, fees and limited space for holding public gatherings, and criminal sanctions for defamation and insult.

The four-tiered election administration, led by the Central Election Commission (CEC), administered elections efficiently, but the lack of safeguards in election day and early voting procedures negatively impacted the integrity of the process. Local executive authorities have full discretion in the selection process of lower-level commissions and did not aim to achieve broader political representation, contrary to prior ODIHR and Venice Commission recommendations and limiting confidence in the impartiality and independence of the election administration. Women represented a majority of members of precinct and district-level election commissions and half of the members of the CEC, including the chairperson. The CEC led an extensive voter information campaign in the media and through announcements in public spaces, and took steps to facilitate the electoral participation of persons with disabilities.

The CEC announced a total of 6,880,605 registered voters. Voter registration is decentralized and lists are based on data from local executive authorities and updated by Precinct Election Commissions (PECs). The law does not envisage mechanisms for cross-checking against multiple registrations and

voters could be added based on residence before and on election day, contrary to international good practice. Voter lists are not public, and the total number of voters per polling station is not published, reducing transparency.

Out of 703 nominated candidates, 560 were initially registered, of whom 27 per cent were women. District Election Commissions (DECs) were not obliged to inform nominees about any discovered inaccuracies in their documents and 131 nominees were denied registration, mainly due to minor mistakes in documentation or lack of valid support signatures. Many described this practice as selectively applied in a restrictive manner to opposition candidates. By election day, 15 candidates, mainly opposition, were deregistered, mostly for campaign violations. DECs' use of discretionary power to deny registration or deregister candidates on minor grounds compromised the integrity and inclusiveness of the candidate registration process, contrary to international standards and commitments.

The election campaign was lackluster and generally did not engage voters. Candidates could freely conduct most campaign activities and were entitled to organize events at most locations. However, DECs issued warnings to some candidates that effectively curtailed criticism of the government in campaign messaging, and which ultimately led to the deregistration of some candidates, in violation of OSCE commitments and the freedom of expression. The International Election Observation Mission received widespread allegations of pressure on state employees and others to attend campaign events. Despite an expanded notification procedure for public events, certain other restrictions inhibit the freedom of assembly for non-contestants during the campaign, contrary to international standards and OSCE commitments.

Aggregated campaign finance data was made public, but the law does not require the election administration or any other authorities to publish or audit candidates' full financial reports, limiting the transparency of campaign finance and the effectiveness of oversight. Candidates are not entitled to direct public funding, and several stakeholders raised significant concerns that potential donors do not contribute to opposition campaigns in fear of retribution.

Few media outlets cover political issues and in practice pluralism is limited. A significant number of media are state-subsidized, limiting the sustainability of independent media. Defamation and public insult remain criminal offences and since 2018, the law stipulates a fine for distribution of prohibited information, including online, restricting the freedom of expression. All candidates were entitled to coverage in electronic and print state media free of charge, and candidates generally did not purchase additional advertising time. Media generally refrained from covering contestants and their platforms, reducing the possibility for voters to receive information about the campaign.

Over 1,000 complaints and applications were filed with the election commissions, local authorities and courts, mostly related to appointment of commission members and candidate registration and deregistration. The law contains ambiguities with respect to calculation of deadlines for reviewing complaints, which led to inconsistent application and several dismissed complaints, undermining effective legal redress. Only two complaints were reviewed in session; all other applications were handled by CEC staff and the relevant responses were not published, undermining transparency of the dispute resolution process. The CEC decision announcing election results is not subject to judicial review, contrary to OSCE commitments and international standards.

In line with OSCE commitments and international standards, the law provides for citizen and international observers, of which 28,000 and 1,028 have been accredited, respectively, and in an inclusive process. The law permits observation of election commission sessions, but explicitly prohibits observers from standing near ballot boxes and ballot papers as they are being issued. Citizen observers could not scrutinize verification of candidate support signatures and were limited in meaningful observation on election day, reducing transparency.

Early voting and election day proceeded calmly, and with the presence of a high number of citizen observers. While opening and voting procedures at polling stations were largely followed, significant shortcomings during the counting of votes limited the possibility to verify the integrity of the election results, raising concerns about whether results were counted and reported honestly, as required by the 1990 OSCE Copenhagen Document. In addition, an overall lack of transparency reduced the opportunity for meaningful observation.

PRELIMINARY FINDINGS

Background

The 17 November elections for the 110 seats of the lower chamber of parliament, the House of Representatives, were called by the president on 5 August, approximately one year before the expiration of the mandate of the current parliament.¹ No official reason for the dissolution of the parliament was provided. The elections took place amidst long-standing discussions of possible constitutional and other political reforms and ahead of next year's presidential election.

The government is accountable to the president, who also exercises direct executive functions and has wide authority relative to the parliament, such as legislative power and the ability to appoint and dismiss judges, including those of the Constitutional Court, which limits the effective separation of powers. Political parties are marginally represented in parliament and play a limited role. The outgoing House of Representatives comprises mostly independent members affiliated with public associations which are closely connected to the government.² Only three members of the parliament (MPs) identify themselves as opposition.³

No new political party has been registered since 2000, despite repeated attempts.⁴ The Law on Political Parties stipulates an overly burdensome registration process and provides the Ministry of Justice wide discretionary powers to reject applications on formalistic grounds.⁵ This limits the right to freedom of association and is at odds with OSCE commitments and international standards.⁶ A number of International Election Observation Mission (IEOM) interlocutors mentioned that they did not expect the elections to be genuinely competitive and that they had little confidence in the process. Several

¹ Separately, 56 of the 64 members of the upper chamber, the Council of the Republic, were elected by the legislative councils of the 6 *oblasts* and the city of Minsk on 7 November. The remaining eight members will be appointed by the president.

² Of 94 independent members, 75 are affiliated with the public association *Belaya Rus*. Parties represented in the House of Representatives which identify as pro-government include the Communist Party (8 seats), Republican Party of Labour and Justice (3), and Belarusian Patriotic Party (3).

³ One independent, one from the Liberal Democratic Party, and one from the United Civic Party (UCP).

⁴ Belarusian Christian Democracy (BCD) and Communist Party of Workers each applied seven times unsuccessfully, and Party of Freedom and Progress five. The political organization "Tell the Truth" was registered as a public association in 2017 after multiple failed attempts.

⁵ By the law, the prospective party must have at least 1,000 founders from four of six *oblasts* and Minsk, with personal data including name, address, date of birth, citizenship, residence, workplace, phone numbers, and signature. The Ministry of Justice is entitled to verify the validity of information submitted, which they did in the case of BCD, denying registration based on minor inaccuracies. Paragraph 5.1.3. of Parliamentary Assembly of the Council of Europe (PACE) Resolution 2172 (2017) called on the authorities to remove undue practical and legal obstacles to the registration of political parties and other organizations.

⁶ Article 22 of the International Covenant on Civil and Political Rights (ICCPR) prescribes that everyone shall have the right to freedom of association with others. Paragraph 7.6 of the 1990 OSCE Copenhagen Document commits participating States to provide "political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities".

international organizations have raised concerns related to the exercise of civil and political rights in Belarus.⁷

There are 38 women deputies in the 110-member outgoing House of Representatives, with 6 of 14 parliamentary committees chaired by women, and 17 of the 64 members of the outgoing Council of the Republic are women. There are only three women in the 46-member Council of Ministers. Of the seven regional governors, none are women. Only one of the 15 registered political parties is headed by a woman. Several IEOM interlocutors described significant patriarchal attitudes as a primary obstacle to women's political participation.⁸

Electoral System and Legal Framework

Members of the House of Representatives are elected for a four-year term across 110 majoritarian districts. The candidate with the most votes is elected.⁹ The law establishes a 50 per cent turnout requirement for elections in each district to be valid, otherwise repeat elections are to be held in the respective districts. The Constitution stipulates that MPs may be recalled by the voters of their constituency, contrary to international commitments.¹⁰

The elections to the House of Representatives were called by a decree of the president on 5 August 2019. The decree effectively terminates the powers of the outgoing parliament before the end of its constitutionally-prescribed term of office, without reference to any of the constitutional grounds for the dissolution of parliament, at odds with paragraph 7.9 of the OSCE Copenhagen Document.¹¹ The authorities informed the IEOM that these elections are not considered early under national laws, as the Constitution provides for the latest date for calling elections and does not contain requirements for how early this may be done.

The primary legislation regulating parliamentary elections consists of the 1994 Constitution (last amended in 2004) and the 2000 Election Code (last amended in 2015).¹² Belarus has signed and ratified major international and regional instruments related to the holding of democratic elections.¹³ In 2016,

⁷ See for example the [2018 UN Human Rights Committee \(CCPR\) concluding observations](#), the [2016 UN Committee on the Elimination of Discrimination Against Women \(CEDAW\) concluding observations](#) and the [2019 Report of the UN Special Rapporteur on the human rights situation in Belarus](#), as well as [2018 statements](#) of the OSCE Representative on Freedom of the Media (RFoM).

⁸ Paragraph 28 of the [2016 CEDAW concluding observations](#) raised concern that “women remain significantly underrepresented at the decision-making levels in parliament and that they are concentrated in the public administration at middle and lower levels only”. See also paragraph 29.

⁹ By law, candidates standing unopposed must receive at least 50 per cent of votes cast.

¹⁰ Paragraph 7.9 of the 1990 OSCE Copenhagen Document requires that participating States “ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures”. ODIHR and the Venice Commission have previously raised concerns that recall procedures are not in conformity with international standards. The IEOM was informed by the CEC that no recall procedure has ever occurred.

¹¹ The outgoing parliament took office in October 2016. Article 93 of the Constitution prescribes a parliamentary term of four years. Article 94 provides a list of grounds for early termination of the parliament. Several applications from an individual MP, other citizens and civil society organizations were filed with government bodies and courts questioning the legal grounds for calling the elections, which were all dismissed or denied.

¹² In addition, the elections are regulated by the Laws on Mass Media, on Mass Events, and on Political Parties, as well as the Code of Administrative Offenses, the Criminal Code, and CEC resolutions.

¹³ These include the ICCPR, the International Convention on Elimination of All Forms of Racial Discrimination, the CEDAW, and the UN Convention Against Corruption (UN CAC). In 2014, Belarus acceded to the Commonwealth of Independent States (CIS) Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms. Belarus is an associate member of the Venice Commission, and a member of the Council of Europe's Group of States against Corruption (GRECO). Belarus has not ratified the European Convention on Human Rights.

the country ratified the UN Convention on the Rights of Persons with Disabilities (CRPD), in line with a prior ODIHR recommendation.

The Constitution provides for direct and universal suffrage as well as for freedoms of assembly, association and expression. However, the laws and other regulations impose various restrictions on these freedoms, such as obstacles to political party registration, fees and limited space for holding public gatherings, and criminal sanctions for defamation and insult. Amendments in 2018 to the Laws on Mass Events and Mass Media introduced, *inter alia*, new procedures for holding assemblies and regulations on online media.¹⁴ In January, participation in unregistered parties and associations was decriminalized,¹⁵ but is now subject to an administrative fine. The amendments did not address previous concerns about the protection of fundamental freedoms.

The Election Code was not amended since the previous parliamentary elections and contains a number of gaps and inconsistencies. The IEOM noted several cases in which ambiguous legal provisions, including those on residency requirements, criteria for admissibility of electronic complaints, and rules on calculating complaint deadlines, were interpreted and applied restrictively in relation to opposition candidates.¹⁶ At the same time, certain electoral processes are micro-regulated, resulting in undue restrictions on electoral rights, especially with respect to candidate registration and campaigning.¹⁷ Long-standing ODIHR and Venice Commission recommendations, including those related to unbalanced composition of election commissions, restrictions on voter and candidacy rights, insufficient safeguards for voting and counting, as well as limitations on observer rights, remain unaddressed. Overall, the legal framework does not adequately guarantee the conduct of elections in line with OSCE commitments and international standards.

Election Administration

The elections are administered by a four-tiered structure comprising the Central Election Commission (CEC), 6 Oblast Election Commissions (OECs) and the Minsk City Election Commission, 110 District Election Commissions (DECs) and 5,831 Precinct Election Commissions (PECs).¹⁸ Women constituted 72 per cent of PEC members, 61 per cent of DEC members and 42 per cent of OEC members. Six of the 12 CEC members are women including the chairperson.¹⁹

While the election preparations were administered efficiently and in a timely manner, the lack of safeguards in the administration of election procedures particularly early voting, mobile voting, and counting, negatively impacted the integrity of the process, as observed by the IEOM. Many IEOM interlocutors repeatedly expressed lack of trust in the work and impartiality of the election administration at all levels.

¹⁴ A prior notification, rather than authorization, is now required for holding assemblies. The changes introduced fees for holding public events; these fees are not applicable to campaign events of candidates.

¹⁵ See paragraph 5.1.2 of [PACE Resolution 2172 \(2017\)](#).

¹⁶ On 21 October, Brest Oblast Election Commission (OEC) deregistered opposition candidate Uladzislau Sysa for failure to fulfil the residency requirement as he currently studies abroad. On 31 October, the Central Election Commission (CEC) confirmed the decision of Brest OEC, and on 5 November, the Supreme Court upheld the CEC decision. Several opposition candidates informed the IEOM that their complaints were dismissed for missed deadlines, owing to the legal confusion regarding the calculation of deadlines.

¹⁷ Rules on signature collection and verification prescribe strict and detailed requirements for each form and signature, and campaign materials must comply with similar requirements to be considered valid. In a large number of cases failure to meet these requirements resulted in non-registration or deregistration of candidates.

¹⁸ Including 238 special PECs in hospitals and other healthcare institutions, 17 in military bases and 46 PECs in diplomatic missions abroad.

¹⁹ The current CEC was appointed in December 2016. The chairperson, Lidia Yermoshina, has held this position since 1996. Of CEC members, only the chairperson and secretary hold permanent positions.

The CEC is a permanent body with a 5-year mandate and comprises 12 members, with 6 appointed by the president (including the chairperson) and 6 by the Council of the Republic, which raises questions about the independence of the election administration.²⁰ The CEC has adopted and published 22 resolutions for these elections clarifying a number of election-related procedures. While the CEC directed the work of lower-level commissions on a daily basis, the CEC did limited work as a commission.²¹ The two sessions held during the reporting period were open to observers and media representatives but lacked meaningful discussion among CEC members.

OECs, DECs and PECs are temporary bodies established by local executive committees from 2 September until the publication of election results. Members of these commissions are nominated by political parties, public associations, labour collectives and initiative groups of at least ten voters. By law, public employees may comprise up to one-third of members of each commission, and nominees of political parties and associations should comprise at least one-third.²² However, in practice, local authorities have full discretion in the selection process and did not achieve a broad political representation, contrary to a prior ODIHR recommendation. Some citizen observer groups reported that the local authorities selectively applied the eligibility criteria when reviewing nominees' qualifications.

A total of 63,646 PEC members were appointed by the local executive committees, among which 3,763 were nominated from pro-government political parties, 27,790 from pro-government public associations and trade unions, and 21 from political parties which identify as opposition. According to data published by the CEC, 97 per cent of all nominations from pro-government political parties were accepted, and 4.6 per cent from opposition parties. In general, the disproportionate representation raised serious concerns related to the selection process and independence of election commissions and undermined public confidence in their impartiality.²³

The DECs held *ad hoc* sessions, and IEOM observers were only occasionally informed in advance. In most cases, DEC offices were located in the premises of the local authorities. At some meetings of IEOM observers with DEC members, representatives from the local authorities who were not DEC members were present and at times played an active role. In many DEC meetings, at least one of the managerial positions was held by a local executive official. These practices further contributed to concerns regarding the lack of independence of the election administration from the executive authority.

The trainings of PEC members observed by the IEOM were interactive and included simulations of early voting and election day procedures. A CEC resolution passed in August contained instructions for facilitating election day procedures for voters with limited mobility, including that polling stations be situated on the ground floor and include special voting booths. The CEC did not compile information on which or how many polling stations met its accessibility criteria. IEOM interlocutors generally described progress in the efforts of the election administration to facilitate voting for persons with limited mobility, but noted that additional measures are needed.

The CEC conducted an extensive voter information campaign in Belarusian and Russian, including instructional videos on election day procedures which were broadcast on public TV, and audio announcements in public areas. All audiovisual materials included sign language translation or subtitles.

²⁰ Paragraph 20 of the [1996 CCPR General Comment 25](#) states that “[a]n independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant”. See also the [2006 ODIHR and Venice Commission Joint Opinion on the Electoral Legislation of the Republic of Belarus](#).

²¹ Since the elections were called, the CEC held six sessions. Since 15 October, CEC held two sessions, to consider a complaint and to establish the results for the elections for the Council of the Republic.

²² Each nominating body can have only one member in each election commission.

²³ Section II.3.1.e of the 2002 Code of Good Practice of the Council of Europe's Venice Commission recommends that “political parties must be equally represented on election commissions[...]”.

A portion of the CEC website was available with resizable text and other adjustable formats, to enhance readability for persons with visual impairments. DEC's produced informational posters which featured biographical information about candidates; the IEOM observed and was informed of several cases in which DEC's refused requests by candidates to amend disputed biographical information.²⁴

Voter Registration

Citizens at least 18 years of age by election day have the right to vote. The Constitution restricts the suffrage rights of persons who are declared legally incompetent by a court decision, at odds with international obligations.²⁵ Additionally, those in pre-trial detention and those serving prison terms, regardless of the gravity of the crime, are not eligible to vote, contrary to OSCE commitments and international standards.²⁶ As in previous elections, the CEC passed a resolution to facilitate voting for citizens convicted of certain minor offenses with a sentence of up to three months.²⁷

Voter registration is passive and decentralized. Voter lists are compiled by local executive committees and sent to the respective PECs. PECs are responsible for verifying and updating voter lists, including through door-to-door checks, but no information about these updates was publicized. Voters could be added to lists by the PECs prior to and on election day, by providing proof of residence, contrary to international standards.²⁸ After the elections, the paper copies of voter lists are returned to the local executive committees.²⁹ The law does not provide a possibility for cross-checking against duplicate registrations before or on election day, resulting in inadequate safeguards against multiple voting.³⁰

Overall, the voter registration process is not transparent. Voters could check their individual data at PECs starting from 1 November and request corrections, but IEOM observers noted a very low interest in verification. On 1 November, the CEC reported a total of 6,880,605 registered voters, but the number of voters per polling station is not published and voter lists are not available for general public scrutiny. In general, IEOM interlocutors explained they could not scrutinize the accuracy of voter lists, due to the overall lack of access.

Candidate Registration

Voters at least 21 years of age by election day and with permanent residence are eligible to stand for election. The law does not provide any criteria defining permanent residency. Candidates with an unexpunged criminal record are ineligible which constitutes a disproportionate restriction on candidacy rights.³¹ Candidates may be nominated by political parties registered not later than six months before the elections were called, labour collectives and initiative groups of at least ten voters. The restriction on political parties registered shortly before the elections is contrary to international commitments and good

²⁴ In Hrodna, two candidates expressed their disagreement with the version of biographical information prepared by DEC 51 and filed complaints, one of which was rejected and the other withdrawn.

²⁵ See Article 29 of the 2006 UN CPRD.

²⁶ Paragraph 24 of the 1990 OSCE Copenhagen Document provides that restrictions on rights and freedoms must be "strictly proportionate to the aim of the law". See also Paragraph 14 of the 1996 CCPR General Comment 25 and Section I.1.1.d.iii of the 2002 Code of Good Practice, and the case law of the European Court of Human Rights; cf. the *Hirst (2) vs. United Kingdom* judgment of 30 June 2004.

²⁷ These convictions are under a specific category referred to as an "arrest" and carry a sentence of up to three months of confinement in "institutions executing punishment", which legally are not considered places of imprisonment.

²⁸ Section I.1.2.iv. of the 2002 Code of Good Practice recommends that "polling stations should not be permitted to register voters on election day itself".

²⁹ Other election materials and protocols are delivered to the respective DEC's.

³⁰ The compilation of voter lists by local executive committees may include verification of data provided by other state agencies, but no details are prescribed on how any cross-checks are conducted.

³¹ See paragraph 15 of 1996 CCPR General Comment 25, paragraph 24 the 1990 OSCE Copenhagen Document, and section I.1.1.d.iv. of the 2002 Code of Good Practice.

practice.³² While Article 5 of the Constitution provides that both political parties and other public associations have the right to participate in elections, the Election Code does not provide the right to public associations to nominate candidates.³³ In practice, public associations often provided other means of support to its members who sought candidacy.

Prospective candidates must declare income and assets, and those nominated by initiative groups must collect at least 1,000 supporting signatures, a disproportionately high number.³⁴ Candidates were entitled to make corrections to income and assets declarations until 7 October, by resubmitting their applications, but DEC's were not obliged and did not inform candidates about discovered inaccuracies.³⁵ DEC's were required to verify only a sample of submitted signatures before approving or rejecting each nomination, contrary to international standards.³⁶ All DEC's announced the registered candidates on 17 October, the last day of the legally prescribed period for candidate registration.³⁷

Out of 703 nominations, 562 candidates were registered including 151 women (27 per cent).³⁸ Thirty-two incumbent deputies were registered as candidates, and two incumbent opposition MPs were nominated but denied registration on the basis of invalid support signatures.³⁹ Other incumbent deputies did not seek re-election.⁴⁰ The Election Code provides for numerous grounds in which registration of candidates may be denied, including for minor technical inaccuracies, and affords wide discretion to DEC's in applying these provisions.⁴¹ A total of 131 candidates were denied registration.⁴² Many IEOM interlocutors expressed concerns that restrictive legal provisions and selective application of the law, especially during the verification of signatures, resulted in non-registration of a high number of prospective candidates.

According to CEC regulations, prospective candidates could not campaign before registration, including for purposes of signature collection. DEC's issued several warnings related to campaigning during

³² Paragraph 7.6 of the 1990 OSCE Copenhagen Document commits states to “provide [...] political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities”.

³³ Article 69 of the Constitution provides that public associations, work collectives and citizens shall have the right to nominate candidates “as stipulated by law”. On 25 October, the Minsk *Oblast* Court denied a complaint from a prospective candidate nominated by a public association, finding that the Election Code specifies the constitutional provision on eligibility to nominate candidates. Under the law, citizens do not have access to the Constitutional Court to challenge potential violations of their constitutional rights. DEC's did not accept 22 applicants nominated by the public association “For Freedom Movement”.

³⁴ On average, 1,000 signatures represent 1.6 per cent of all voters in a district. Paragraph I.1.3(ii) of the 2002 Code of Good Practice states that “the law should not require collection of the signatures of more than 1 per cent of voters in the constituency concerned”.

³⁵ According to CEC, this extends also to other required documents for nomination of candidates.

³⁶ Section I.1.3.iv. of the 2002 Code of Good Practice recommends “the checking must in principle cover all signatures; however, once it has been established that the requisite number of signatures has been collected, the remaining signatures need not be checked”.

³⁷ According to the CEC, all candidates are registered on the same day to allow for an equal time period to campaign.

³⁸ In total, 325 candidates were nominated by political parties, 81 by initiative groups, 38 by labour collectives, 31 by both parties and initiative groups, 84 by both labour collectives and initiative groups, and one by all three.

³⁹ Alena Anisim and Hanna Kanapatskaya.

⁴⁰ In August 2019, the CEC chairperson [publicly stated](#) that only one-third of current deputies should extend their mandate “at the request of the Head of State”.

⁴¹ For example, DEC's may deny registration for inaccurate income and asset declaration, abuse of office for election purposes, misuse of administrative resources, and rewarding or coercing voters during signature collection.

⁴² According to the CEC, 53 due to invalid or insufficient support signatures, 52 for inaccuracies in their income and assets declarations, 9 for incomplete documentation, 2 for unexpunged criminal record, 3 for warnings on violation of the Election Code before registration and 12 on other grounds.

signature collection, which in some cases led to the deregistration of candidates.⁴³ Several contestants informed the IEOM of difficulties providing sufficient information to voters during signature collection, without being accused of campaigning.

Candidates can be deregistered on various grounds including non-compliance with requirements for campaigning and campaign materials (including by candidate proxies), misuse of state resources, and use of foreign funding. By election day, 15 candidates were deregistered, including 10 for campaign violations, 4 for failure to take leave from their permanent employment, 1 for failure to fulfill the residency requirement. In some cases, commissions deregistered candidates alleging that their campaign statements violated rules on defamation, insult, or incitement of unrest, without a prior court decision and in violation of the principle of presumption of innocence.⁴⁴

In general, restrictive legal provisions for candidate registration and DEC's use of discretionary power to deny registration or deregister candidates on minor grounds compromised the integrity and inclusiveness of the candidate registration process, contrary to international standards and commitments.⁴⁵

Election Campaign

The campaign period began on 18 October and ended at midnight on the eve of the elections. The campaign was overall calm and low-key and appeared to generate little public interest. No large rallies were held and the use of campaign material was limited to small posters on specially allocated boards. Although contestants were generally free to conduct campaign activities, several informed the IEOM of an atmosphere of intimidation amidst cases of candidate deregistration. The IEOM observed that a significant number of candidates refrained from any campaign activities, calling into question their wish to genuinely compete in the elections.

The law provides for different possibilities to engage in political assembly by contestants and by other stakeholders. Recent amendments to the Law on Mass Events, which apply to non-contestants during the campaign period, envisage notification instead of authorization to organize an event, but only if organized at certain designated locations. These locations are limited in number and inconveniently located.⁴⁶ In 2019, the Council of Ministers defined a fee structure for public events.⁴⁷ While electoral contestants are

⁴³ Candidates from DEC's 98 and 105, affiliated with European Belarus (EB), received warnings, including for "presenting their movement", before being rejected in registration. Administrative proceedings were initiated against a candidate from BCD, on the grounds of participating in an unsanctioned rally on 16 September, which was a signature collection event for another candidate. A candidate from UCP received a warning from DEC 105 in Minsk for campaigning during signature collection, as did several nominees supported by EB.

⁴⁴ Presumption of innocence is enshrined in Article 26 of the Constitution. Paragraph 5.19 of the 1990 OSCE Copenhagen Document stipulates that "everyone will be presumed innocent until proved guilty according to law". On 7 November, Viciebsk OEC deregistered candidate Yury Melnikau for alleged defamation after criticizing corrupt practices in public enterprise where he is employed. The decision of the OEC was upheld by the CEC and the Supreme Court.

⁴⁵ Paragraph 7.5 of the 1990 OSCE Copenhagen Document calls on participating States to "respect the right of citizens to seek political or public office individually or as representatives of political parties or organizations, without discrimination". Section I.1.1.d.iii. of the 2002 Code of Good Practice recommends that the proportionality principle must be observed when depriving an individual of the right to be elected.

⁴⁶ There are fewer than 100 designated sites countrywide, including 6 in Minsk, 3 in Viciebsk and 2 each in Brest, Hrodna, and Mahilioŭ. These spaces are often located in parks, far from residential areas, squares or transport hubs.

⁴⁷ Fees range from approximately BYN 76.50 to BYN 6,375 for over 1,000 participants, for the purpose of defraying costs of maintenance of public order (EUR 1 is equivalent to approximately 2.26 Belarusian Rubles). The organizers of an event on Freedom Day in Minsk in March reported to the IEOM that they owe some BYN 8,000 to the authorities. Paragraph 76 of the [2019 Report of UN Special Rapporteur on the human rights situation in Belarus](#) notes "asking organizers to pay for such services unduly limits the capacity of certain individuals to enjoy their legitimate right to freedom of assembly". See also paragraph 57 of the [2013 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association](#).

exempt from these fees, several IEOM interlocutors raised concern that the fees could impact the ability of other stakeholders to demonstrate during the campaign period. Overall, these restrictions inhibit the freedom of assembly, contrary to international standards and OSCE commitments.⁴⁸

Candidates conducted most campaign activities freely, including through indoor and outdoor meetings with voters and extensive outreach on social media platforms. By law, candidates were free to organize campaign events at most locations with a two-day notification period.⁴⁹ Many candidates described the election period to the IEOM as the only opportunity to reach out to the population, due to a suppressed political environment outside of the official campaign and general lack of resources to organize assemblies and media appearances. However, DEC's issued warnings that effectively curtailed criticism of the government in campaign messaging, and which ultimately led to the deregistration of some candidates,⁵⁰ in violation of the principle of freedom of expression and OSCE commitments.⁵¹

According to a CEC resolution, copies of campaign materials produced by candidates needed to be submitted to DEC's before circulation. Several contestants met by the IEOM claimed that campaign materials were approved by DEC's before circulation, which was observed in some cases.⁵²

Some state-subsidized public associations assisted in the registration of and actively campaigned for pro-governmental candidates, and also nominated numerous election commission members and observers.⁵³ On several occasions, the IEOM noted that the employees of state institutions were involved in campaigning for pro-government candidates as well as mobilizing employees of state enterprises and other public institutions to attend campaign events.⁵⁴ IEOM observers also received widespread allegations of pressure on state employees, teachers, students and others to attend campaign events, to be deployed as citizen observers by pro-government parties and associations, or to vote in favour of pro-government candidates. The unequal access of these candidates to state resources challenged the principle of separation of state and party and created an undue advantage, contrary to OSCE commitments and international standards.

In the final days of the campaign at least one candidate and several candidate proxies and political activists were temporarily detained during or after political and campaign events.⁵⁵

⁴⁸ Article 21 of the ICCPR guarantees the right of peaceful assembly. See also Paragraph 9.2 of the 1990 OSCE Copenhagen Document.

⁴⁹ Excluding prohibited places such as government and military buildings, courts, transport hubs and several squares.

⁵⁰ DEC's issued a number of warnings to some candidates for not having issue data on campaign materials (DEC's 4, 41, 77, 96, 99, 110), not notifying about a campaign event (DEC's 4, 19, 46, 77), not taking leave of absence from employment (DEC's 4, 58, 72, 79, 94), and for defamation (DEC's 18, 25, 99). Several contestants told the IEOM that their events were video-recorded by unknown persons, and several candidates from EB and UCP in Minsk reported that a list of prohibited words and phrases was presented to candidates before recording messages for TV and radio. EB also reported that after deregistration of six of their candidates, the remaining eight decided to reduce criticism in campaign messages.

⁵¹ See Article 19 of the ICCPR and paragraph 9.1 of the 1990 OSCE Copenhagen Document.

⁵² DEC 32 told the IEOM that they are obliged to check formalities on printed materials and to ensure that the materials do not call for violence. DEC 103 told the IEOM that they were responsible for approving the materials. All DEC's in Viciebsk reported that they reviewed materials for information purposes. In DEC 39 the commission stated that it reviews the campaign materials.

⁵³ *Belaya Rus* informed the IEOM that some 170 of its members were registered as candidates and that the association's 161 branch offices were used as campaign headquarters; Belarusian Republican Youth Union noted that they actively support ten candidates.

⁵⁴ Observed in Minsk, Brest, Homiel, Hrodna, Mahilioŭ, Babrujsk and Viciebsk.

⁵⁵ In Homiel, two candidate proxies and a candidate were temporarily detained. In Minsk, several political activists, including one opposition candidate, were detained by police and according to credible sources were subjected to ill treatment; the candidate was de-registered a day after the incident. On 15 November, several opposition activists were reportedly detained by police during a protest in Minsk. In Stolín, a registered candidate reported receiving threats and being followed and recorded.

Campaign Finance

Candidates may fund campaigns from their own resources or from donations by citizens and legal entities.⁵⁶ Donations from anonymous or foreign sources, and state or state-funded, religious or charitable organizations are prohibited. Candidates exceeding the spending limit by more than 20 per cent or those receiving funding from unauthorized sources may be deregistered. Several stakeholders raised a long-standing concern pertinent also to these elections, that voters and businesses do not contribute to opposition campaigns in fear of retribution. A number of political parties, civil society organizations and other IEOM interlocutors stated that limited private donations, combined with the lack of direct public funding, substantially reduced candidates' campaign possibilities.

Candidates could establish campaign funds once registered. No campaign donations could be received or expenditures made prior to registration, including during collection of support signatures. All donations and expenditures needed to be made through a dedicated bank account at the state-owned *Belarusbank*. As of 14 November, some 140 (25 per cent) candidates had not opened campaign accounts. Several candidates claimed to the IEOM that overly protracted bank procedures further discourage potential donors.

DECs received information on all transactions made from each candidate's account from *Belarusbank*, on a weekly basis. As required by CEC regulations, DECs published summaries of income and expenditures on the websites of local executive committees, although irregularly.⁵⁷ The Election Code requires candidates to submit interim financial reports to DECs ten days prior to election day; DECs informed the IEOM that most of these were checked by individual members. The law does not require candidates' interim financial reports to be published or audited, undermining the transparency of campaign finance and the effectiveness of oversight.⁵⁸

Media

The Constitution guarantees freedom of expression and prohibits censorship, but the legal framework contains several undue restrictions on these rights. Defamation and public insult remain criminal offences, with higher sanctions imposed in cases related to public officials, and such cases have been used to exert pressure on journalists.⁵⁹ Following amendments in 2018, the Code of Administrative Offenses stipulates a fine for distribution of prohibited information, including online.⁶⁰ Public calls for a boycott of the elections are prohibited, as is media coverage of such calls, contrary to international standards.⁶¹ Many media representatives described to the IEOM a prevailing practice of self-censorship in order to avoid prosecution.

⁵⁶ Citizens may donate up to BYN 127.5 and legal entities up to BYN 255. A candidate's campaign expenditures cannot exceed BYN 25,500.

⁵⁷ Some websites did not post the updates or posted them with substantial delays or without required information.

⁵⁸ Article 7.3 of the UN CAC requires States to "consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties". See also paragraph 111 of the [2017 GRECO Third Evaluation Round Summary](#).

⁵⁹ In April 2019, law enforcement officials searched the premises of *BelSAT TV* journalists on the basis of a criminal libel complaint and seized data and notebooks. The OSCE RFoM has previously called on the authorities to decriminalize defamation. [Decision No. 3/18 of the 2018 OSCE Ministerial Council](#) calls on participating States to "[e]nsure that defamation laws do not carry excessive sanctions or penalties that could undermine the safety of journalists and/or effectively censor journalists and interfere with their mission of informing the public and, where necessary, to revise and repeal such laws".

⁶⁰ Article 38 of the Law on Mass Media broadly defines prohibited information to include "information that in its distribution can undermine national interests of Belarus", and which is "prohibited by other legal acts".

⁶¹ Paragraph 28 of the [UN CCPR General Comment No. 34](#) on Article 19 of the ICCPR states that "while it may be permissible to protect voters from forms of expression that constitute intimidation or coercion, such restrictions must not impede political debate, including, for example, calls for the boycotting of a non-compulsory vote".

The media landscape in Belarus comprises 99 TV and 174 radio broadcasters, including 44 state TV channels and 147 state radio stations. Most stakeholders informed the IEOM that independent media generally refrain from covering political topics in fear of retribution, while state-affiliated media do not provide critical political information. State media enjoy financial support from the government, are favoured by state press distribution networks and have privileged access to information. In general, this limits the pluralism, independence and sustainability of independent media.⁶²

Electronic and print media must register with the Ministry of Information; registration for online media is voluntary. Representatives of foreign media operating in the country without accreditation by the Ministry of Foreign Affairs often face fines.⁶³ IEOM observers were informed that some media representatives faced difficulties in obtaining accreditation.⁶⁴ The OSCE Representative on Freedom of the Media (RFoM) called on the authorities in May 2018 to reconsider the accreditation requirements, in order to improve the working conditions of media representatives. IEOM interlocutors reported several cases of bloggers publicly being targeted by officials and state media and subject to persecution.⁶⁵

Amendments in 2018 to the Law on Mass Media introduced additional regulations on online media, and were criticized by the OSCE RFoM as “excessive and disproportionate”.⁶⁶ The new regulations grant wide discretionary powers to the Ministry of Information to restrict access to websites without a court decision, upon its own monitoring or notification from other state agencies.⁶⁷ In addition, online media operators must collect and store the personal data of individuals commenting on online articles and provide this data to law enforcement bodies upon request. Several IEOM interlocutors noted that these measures contribute to self-censorship and restrict public discussion.

During the campaign period, all candidates were entitled to five minutes of primetime on state media and to publish their programme in a state-operated or state-funded newspaper free of charge.⁶⁸ Contestants’ free spots were recorded in the studio of the respective state TV broadcaster and were accompanied by sign language interpretation or subtitles. Most candidates did not purchase additional advertising time on state or private media, and some media outlets did not establish a pricelist. In addition to free airtime, each candidate could participate once in a debate on state television by applying to DEC’s, and 202 did so. All debates were pre-recorded by the broadcasters and began airing on 29 October. The debate formats did not provide an opportunity for meaningful exchange between candidates and participation by pro-

⁶² Paragraph 26 of the 1991 OSCE Moscow Document commits participating States “not to discriminate against independent media with respect to affording access to information, material and facilities”. See also paragraph 26 of the [1999 OSCE Istanbul Summit Declaration](#) and paragraph 5.2.3 of PACE Resolution 2172 (2017).

⁶³ According to the Belarusian Association of Journalists, in 2019 journalists working for *Belsat* and *Radio Racyja* were fined a total of BYN 36,592, under Article 22.9 of the Administrative Code.

⁶⁴ For instance, *Belsat* applied three times for accreditation; the most recent application is pending since February. The Ministry of Foreign Affairs is not obliged to inform applicants with a reason for rejection.

⁶⁵ On 12 November 2019, prominent blogger Stepan Nexta was fined BYN 3000 for defamation of a public official. In April 2019 blogger Sergey Petrukhin was found guilty in defamation of policemen, and was fined BYN 9180 and was obliged to compensate non-pecuniary damage of BYN 7500.

⁶⁶ See the statement of the OSCE RFoM from [18 June 2018](#).

⁶⁷ Paragraph 3a of the [2011 Joint Declaration on Freedom of Expression and the Internet](#) states that “[m]andatory blocking of entire websites, IP addresses, ports, network protocols or types of uses (such as social networking) is an extreme measure – analogous to banning a newspaper or broadcaster – which can only be justified in accordance with international standards, for example where necessary to protect children against sexual abuse”.

⁶⁸ For Minsk City, the free airtime was allocated on channel *Belarus 3*, which is not generally a source of political information. In total, 414 candidates’ addresses were broadcasted on TV and 383 on radio. Twenty candidate programmes were published in national newspapers.

government candidates was limited. At least seven candidates' addresses were not aired, compromising the ability of some contestants to freely communicate their platforms to voters.⁶⁹

The Ministry of Information is the primary regulatory body for media. No independent authority exists to monitor media compliance with rules on coverage of the election campaign. As in prior elections, the CEC established a Media Supervisory Board (MSB), comprised of members recommended by the Ministry of Information and journalists' associations, to advise on media-related complaints and instructions.⁷⁰ The MSB held two sessions together with the CEC chairperson and secretary to discuss seven media-related complaints. The MSB sessions were not open to the public nor the complainants, and the resultant recommendations were not published. None of these complaints were reviewed in public sessions of the CEC, but were dismissed in writing by the chairperson, undermining transparency. The MSB's composition does not ensure its impartiality and effectiveness, which together with the absence of systematic media monitoring prevented effective oversight of media in the election campaign.

From 21 October the IEOM conducted quantitative and qualitative monitoring of 13 media broadcasters. In addition, the mission monitored the news programmes of five regional TV channels and four online outlets.⁷¹ Candidates were mostly mentioned collectively with no reference to their names, with no coverage referencing individual candidates on state media. According to many state media representatives they refrained from covering the activities of individual candidates in order to avoid accusations of unequal coverage. The lack of available comprehensive information on contestants and their platforms narrowed the possibility of voters to effectively receive information about the campaign.

Coverage of the president dominated the media during the election campaign. The monitored national TV channels dedicated 75 per cent of their news coverage, and regional channels 68 per cent, to the president, all of which was neutral or positive in tone.⁷² An additional 8 and 11 per cent of coverage in the regional evening news focused on the local administration and the national government, respectively. Broadcasters also relayed some information about the CEC's activities and statements, and encouraged voter participation, particularly early voting (some 1 per cent of news coverage in state TV and radio broadcasters).

No campaign events or public demonstrations were covered, with the exception of Belarusian Republican Youth Union (BRSM) meetings, which received some 3 per cent of political news coverage in monitored national media, 4 per cent of regional news programmes, and 2.4 per cent of space in state print media. All political parties and other nominating entities collectively received only 2.6 per cent of political news coverage in national broadcasters, 7.6 per cent in regional broadcasters, and 1.7 per cent of space in print media. In contrast, the monitored private media, including online media, covered specific contestants and

⁶⁹ The candidates were most often rejected or a debate taken off the air on the grounds of violating Article 75 of the Election Code, which *inter alia* prohibits calls for violent change of the constitutional order and election boycott, arousing of social enmity, as well as defamation and public insult. Violation of this article can result in deregistration. The debates were taken off the air, if one of the participants violated the Law. On 23 October, the CEC chairperson stated that this sanction can apply to calls for an "overthrow of constitutional order" or "incitement of unrest" in candidates' speeches and on social networks.

⁷⁰ The composition is proposed by the Ministry of Information and public associations of journalists and is approved by the CEC. For these elections the MSB had eight members, including six state-owned media representatives, one from the Belarusian Union of Journalists (BUJ) and one from the Belarusian Association of Journalists (BAJ), and was chaired by the Deputy Minister of Information.

⁷¹ TV channels: *Belarus1*, *Belarus3*, *STV*, *ONT*, *NTV Belarus*, *Belsat*; radio: *Radio1*, *Euroradio*; newspapers: *Belarus Segodnya*, *Respublica*, *Zvyazda*, *Novy Chas*, *Komsomolskaya Pravda in Belarus*; news blocs of regional TV channels: *TVR Brest*, *TVR Homiel*, *TVR Hrodna*, *TVR Mahilioŭ*, *TVR Viciebsk*; election-related coverage of online media outlets: *Belta.by*, *Naviny.by*, *Nn.by*, *Tut.by*.

⁷² The president received from 45 to 70 per cent of space in state newspapers, all neutral or positive in tone, and from 16 to 70 per cent of space in monitored independent print media, mostly neutral or negative.

events, as well as reports of censorship of election materials and protests, and organized unofficial debates which included both opposition and pro-government candidates.

Complaints and Appeals

Most decisions of election commissions can be appealed to higher commissions and then courts. The CEC decision announcing the election results is not subject to judicial review, contrary to international obligations and prior ODIHR and Venice Commission recommendations.⁷³ The law specifies who may file complaints in each particular case: candidates, their proxies, voters, public associations, political parties and observers have this right in most cases. As a rule, complaints to commissions and courts are filed and reviewed within three days.⁷⁴ However, for some categories of complaints the law provides for shorter deadlines or no deadlines at all.⁷⁵ The law also contains ambiguities with respect to the rules for calculation of deadlines, resulting in several dismissed complaints.⁷⁶

Decisions of DEC and OEC on complaints must be posted on the websites of the local executive committees within two days, and certain CEC decisions are posted on its website.⁷⁷ While not required by law, election-related decisions of *oblast* courts are published on the website of the Supreme Court. As of 15 November, most complaints lodged with election commissions and courts concerned composition of election commissions and candidate registration and deregistration.⁷⁸ The CEC received more than 361 applications from citizens which were handled by CEC staff and relevant responses were not published, undermining the transparency of the dispute resolution process. Two complaints were reviewed and decided in session; both were appealed to the Supreme Court and subsequently upheld. Approximately 99 per cent of all complaints lodged with commissions or courts were dismissed or denied, often on dubious grounds and without proper investigation of facts, undermining effective remedy and public confidence in election dispute resolution.⁷⁹

The IEOM was informed of 22 election-related applications received by prosecutors' offices across the country, most of these on alleged violations during candidate registration, but no criminal or administrative proceedings were initiated.

Citizen and International Observers

In line with the OSCE commitments and international standards, the Election Code provides for citizen and international election observation. Citizen observers can be nominated by political parties, public associations, labour collectives and initiative groups of at least ten voters. International observers are

⁷³ Section II.3.3.d of the 2002 Code of Good Practice. See also Article 2 of the ICCPR and paragraph 5.10 of OSCE Copenhagen Document.

⁷⁴ Complaints requiring additional investigation may be reviewed within ten days and those received on election day should be reviewed immediately.

⁷⁵ On 31 October the CEC reviewed a complaint against a 21 October decision of the Brest OEC on deregistration of a candidate. The CEC explained to the IEOM the possibility for a protracted review by absence of a deadline to review the OEC decisions on deregistration.

⁷⁶ Contrary to the provisions of the Code of Civil Proceedings, the deadlines were calculated starting on the day when the decision was made and irrespective of weekends and national holidays; several complaints were dismissed on these grounds.

⁷⁷ According to the CEC Rules of Procedure, only decisions taken during sessions are posted on the website, automatically excluding certain applications which are not considered by the CEC during sessions and are responded to by CEC staff.

⁷⁸ Of 486 appeals against rejection of nominations of election commission members, only 3 were successful.

⁷⁹ On 12 November, DEC 103 issued a warning to an opposition candidate as she advocated for judicial reforms during a campaign event, finding this to violate the Election Code and the candidate's "campaign objectives". On 8 November, Brest Oblast Court denied the complaint of deregistered candidate Uladzimir Maroz, without properly investigating the candidate's report that the campaign materials which led to his deregistration were fake.

accredited by the CEC upon an invitation of the authorities. Citizen observers are accredited by the CEC, DECAs or PECs, for observation at each level of commission.

In an inclusive process, as of 16 November, some 28,000 citizen observers and 1,028 international observers were accredited.⁸⁰ The prominent citizen observer group Human Rights Defenders for Free elections (HRDFE) observed and reported on various stages of the election process and deployed some 292 observers for early voting and election day proceedings.⁸¹

The law permits observation of the sessions of election commissions and of the polling proceedings, but explicitly prohibits observers from the vicinity of ballot boxes and ballot papers as they are issued. In addition, citizen observers reported that they could observe DECAs' work, except during the verification of candidates' support signatures, reportedly, due to the verification not being conducted during formal sessions. While the election administration at all levels was generally open to observers, restriction of access to some key elements of the election process reduced transparency and the possibility for meaningful observation, challenging OSCE commitments and international standards.⁸²

Early Voting

Early voting took place from 12 to 16 November.⁸³ The IEOM systematically observed the last two days of early voting and conducted 1,800 observations, with mobile and stationary observer teams.

While some procedures aim to protect the integrity of the early voting process, such as posting of daily turnout information and overnight security, these measures are insufficient to safeguard the inviolability of election material. Ballot boxes were not sealed according to procedures in 5 per cent of cases. The seals used could be easily replaced while the ballot boxes were unattended, without detection, and slots were sealed only with a signed piece of paper. The practice of only two PEC members conducting early voting reduced the accountability of the process.

The CEC published an overall turnout of 35.77 per cent for the period of early voting.⁸⁴ However, the IEOM observed considerably lower turnout than reported.⁸⁵ In at least 11 polling stations, IEOM observers noted series of identical signatures on the voter list; in many cases, observers were prevented from scrutinizing the lists. While 95 per cent of observed PECs posted daily turnout information; in 22 per cent of cases turnout was posted only cumulatively, and in 8 per cent observers were not allowed to access the daily turnout protocols, reducing transparency.

Citizen observers were present in at least 1,100 polling stations.⁸⁶ On 13 November, some citizen observers alleged that a number of PECs reported inflated turnout figures, and called on police to

⁸⁰ There are no legal deadlines for accreditation. PECs could accredit observers at any time including on election day. Full data will be published by the CEC after the elections.

⁸¹ HRDFE includes the Belarusian Helsinki Committee and the unregistered Human Rights Center *Viasna*.

⁸² See paragraph 8 of the 1990 OSCE Copenhagen Document and section II.3.2. of the 2002 Code of Good Practice.

⁸³ Early voting took place in all polling stations from 10.00 – 14.00 and 16.00 – 19.00.

⁸⁴ Daily turnout was reported at 4.69, 6.82, 7.92, 8.07 and 8.27, respectively, for each of the five consecutive days of early voting.

⁸⁵ On 16 November, IEOM stationary teams observed turnout in 28 polling stations randomly selected throughout the country which included 49,271 registered voters. The turnout in those polling stations was observed at 3.97 per cent. Observations from IEOM mobile teams, who observed 575 polling stations on 16 November, confirm this finding. The official countrywide turnout for that day was reported at 8.27 per cent.

⁸⁶ *Belaya Rus*, BRSM and Right to Choose were present in 14, 9 and 4 per cent of observations, respectively.

investigate.⁸⁷ No actions or investigations were taken by the police or prosecutor's office based on these reports by election day.

Election Day

The election day proceeded calmly. While opening and voting procedures at polling stations were largely followed, significant shortcomings during the counting of votes limited the possibility for observers to verify the integrity of the election results. The IEOM also noted several cases of electoral malfeasance.

An overall lack of transparency, particularly restrictions on observation of the vote count and a lack of visibility of key materials, reduced the opportunity for meaningful observation of election day procedures and weakened the accountability of the election process, at odds with paragraph 8 of the 1990 OSCE Copenhagen document and international standards.

The opening process was generally conducted according to procedures.⁸⁸ Almost all polling stations opened on time, in 10 with the presence of unauthorised persons. Ballot boxes and stacks of unused ballots were not placed in clear view in 7 and 18 per cent of observations, respectively. More than half of observed polling stations were not independently accessible for persons with physical disabilities and 42 per cent of observed polling stations lacked voting booths suitable for wheelchair access. While most PEC members were women (some 72 per cent), observed PECs were chaired by men in two-thirds of polling stations.

Although procedures were generally followed, voting was assessed negatively in 5 per cent of polling stations. IEOM observers were restricted from seeing the voter lists in 26 per cent of polling stations. Series of identical signatures were observed in 5 per cent of cases. There is no standardized ballot box and no procedure to ensure that sealing of the ballot boxes remains intact. In some instances, in polling stations with transparent or translucent ballot boxes, the IEOM observed an apparent discrepancy between the number of ballots cast and signatures on the voter list. Indications of ballot box stuffing were observed in twelve instances. Unauthorised persons were present in 5 per cent of polling stations and at times interfered in the voting process (1 per cent). Group voting, including family voting, was observed in 4 per cent of polling stations. In general, voters did not fold the ballots before casting them and there is no legal requirement to do so; this reduced the secrecy of the vote.

Homebound voting was used extensively with mobile ballot boxes dispatched from a majority of observed polling stations (observed in at least 92 per cent of polling stations). Observed PECs added entries on homebound voter lists which amounted to at least 5 per cent of all registered voters, and in excess of 30 per cent in some rural areas. In some cases observed by the IEOM, PECs used the mobile ballot box to visit eligible voters that had not come to vote in the polling station, regardless of whether they requested homebound voting.

The counting was assessed negatively in 49 cases (31 per cent of assessments), largely due to disregard of counting procedures, which raised concerns about whether results were counted and reported honestly, as required by paragraph 7.4 of the 1990 OSCE Copenhagen Document.⁸⁹ Observed PECs generally counted unused ballots before opening ballot boxes, but in one-fifth of polling stations did not establish

⁸⁷ For example, in Brest, a citizen observer posted online footage of an alleged ballot box stuffing. The CEC chairperson stated, among other things, that it was prohibited to film without the consent of the PEC chairperson and that the observer's accreditation should be withdrawn.

⁸⁸ The IEOM conducted 176 observations of opening; 1,737 voting; 173 counting; and at all 110 DEC during tabulation.

⁸⁹ Paragraph 7.4 of the [1990 OSCE Copenhagen Document](#) commits States to "ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public".

the number of signatures on the voter list. The counting of votes was generally conducted hastily and without all figures and results being announced. IEOM observers noted indications of ballot box stuffing (13 cases) and falsifications of results (12 cases). Following the vote count, the numbers of votes received by candidates were not announced in many cases (41, 42 and 38 cases for early, homebound and stationary ballot boxes, respectively). The PECs had difficulties completing results protocols in 21 cases, and did not check for mathematical consistency in 32 cases. Transparency of the count was limited in 59 cases, as observers were ordered to stand far away from where ballots were being counted and where the official protocol was being completed.

Citizen observers were present in 90 per cent of observed polling stations. On election day, President Lukashenka held a press conference during which, among other statements, he used harsh language to characterize some observers as provocateurs, suggesting punitive action by law enforcement related to their behaviour in polling stations. A candidate in Minsk (DEC 99) and his proxy were apprehended by police at a polling station, reportedly after they identified a violation during counting to the PEC. They were later released from detention and administrative proceedings were initiated against the proxy, for petty hooliganism.

The law and CEC instructions do not prescribe detailed procedures for summarization of results, which led to inconsistent practices in observed DECAs. The handover of election materials and tabulation was in many cases conducted quickly and in a seemingly orderly manner, but lacked overall transparency. IEOM observers assessed the process negatively in 25 DECAs, mostly due to restrictions on observation (24 observations) or lack of clear view of procedures (35 observations). IEOM observers noted that the PEC protocols were not checked for consistency in 12 cases where this could be observed. A number of DECAs interrupted the process and planned to finalize the tabulation process on the day following the elections.

The CEC reported the turnout at 77.22 per cent. During a press conference shortly after midnight on election night, the CEC chairperson announced winners of 25 electoral districts. The CEC did not publish disaggregated results by polling station, further detracting from the transparency of the election results and public confidence in the process.

MISSION INFORMATION & ACKNOWLEDGEMENTS

Minsk, 18 November 2019 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE). The assessment was made to determine whether the election complied with OSCE commitments and other international obligations and standards for democratic elections and with national legislation.

Margareta Cederfelt was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the OSCE short-term observer mission. The OSCE PA delegation was led by Ditmir Bushati. The PACE delegation was led by Lord David Blencathra. Corien Jonker is the Head of the ODIHR EOM, deployed from 15 October.

Each of the institutions involved in this International Election Observation Mission has endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The OSCE PA will present its report at its Winter Meeting in February 2020. PACE will present its report during the first part of the 2020 session, in January 2020.

The ODIHR EOM includes 14 experts in the capital and 30 long-term observers deployed throughout the country. On election day, 437 observers from 45 countries were deployed, including 342 long-term and short-term observers deployed by ODIHR, as well as a 69-member delegation from the OSCE PA and 26-member delegation from PACE. Opening was observed in 176 polling stations and voting was observed in 1,700 polling stations across the country. Counting was observed in 173 polling stations, and the tabulation in all 110 DEC. Prior to election day, the IEOM conducted 1,837 observations in polling stations during early voting.

The IEOM wishes to thank the authorities for their invitation to observe the elections, and the Ministry of Foreign Affairs and the Central Election Commission. They also express their appreciation to other state institutions, political parties, public associations, candidates, media and civil society organizations, and representatives of the international community, for their co-operation.

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*The English version of this report is the only official document.
Unofficial translations are available in Belarusian and Russian.*